

EXHIBIT 3

Subject: RE: VirtaMove, Corp. v. Hewlett Packard Enterprise Company (E.D. Tex. 2:24-cv-00093-JRG)
Date: 3/27/2025 1:00 PM
From: "Deer, Emily" <emily.deer@bakerbotts.com>
To: "Peter Tong" <ptong@raklaw.com>, "Jon Ma" <jma@raklaw.com>, "Marshall, Olga" <olga.marshall@bakerbotts.com>
Cc: "rak_virtamove@raklaw.com" <rak_virtamove@raklaw.com>, "Mackenzie Paladino" <mpaladino@raklaw.com>, "Daniel Kolko" <dkolko@raklaw.com>, "Christian Conkle" <cconkle@raklaw.com>, "DL HPE-VirtaMove" <DL_HPE-VirtaMove@BakerBotts.com>

Peter,

Your response is surprising given that both Mr. Woodward and Mr. O'Leary executed declarations in this case that they "are willing to testify here, subjecting themselves to the Court's inherent subpoena power to compel them to do so." See VirtaMove's Sur-Reply to HPE's Motion to Transfer, Dkt. 107 at 3; *see also* Sealed Memorandum Opinion and Order re. Transfer, Dkt. 130 at 12 (counting Mr. Woodward and Mr. O'Leary as willing witnesses; "Similarly, VirtaMove represents that its former employees, including three of the named inventors of the Asserted Patents—Paul O'Leary, Dean Huffman, and Mark Woodward—also reside in Eastern Canada.... VirtaMove states that these witnesses are willing to attend trial in the Eastern District of Texas...").

I have attached those as-filed declarations here for your convenience. In light of this, please confirm that Mr. Woodward and Mr. O'Leary will search for the requested documents and will sit for the noticed depositions.

Thanks,

Emily Deer

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From: Peter Tong <ptong@raklaw.com>
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[EXTERNAL EMAIL]

Hi Emily,

RAK confirms that Mr. Woodward and Mr. O'Leary received copies of the subpoenas. As a preliminary matter, Mr. Woodward and Mr. O'Leary object to the jurisdiction of the subpoenas. Both Mr. Woodward and Mr. O'Leary require additional time to consider voluntarily searching for the requested documents and voluntarily sitting for the noticed deposition.